IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.408 OF 2007

Shri Manish Shyamlal Makhija ...Applicant.

Versus

The State of Maharashtra
and Anr. ...Respondents.

....

Mr.A.H.H.Ponda,Adv. for the Applicant.
Mr.Rajesh More, APP, for the State.
Mr.Paras P. Pathani,Adv. for Respondent No.2.

....

CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 28th February, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant-orig.accused, the learned Advocate for respondent No.2-orig.complainant who is present in-person and the learned APP for the State.

2. The applicant is seeking quashing of C.R.No.161 of 2005 and the proceedings relating thereto of Bandra Police Station. The said case is under Section 376 and 506 of IPC.

3. Respondent No.2-orig.complainant Mrs.Sitara

Manish Makhija has stated that while she was in college she had a affair with the applicant. At that time, she was over 18 years of age. Thereafter there was sexual relations between the applicant and respondent No.2 by consent. Thereafter applicant and respondent No.2 have got married on 3rd August, 2005. She has stated that she filed FIR (subject matter of Sessions Case No.542/2005) against the applicant on account of some misunderstanding. She has submitted that the applicant and she got married about one and half years ago and she is at present happily residing with him, hence she does not wish to prosecute the complaint which was filed as a result of some misunderstanding. The complainant has prayed that in view of the above facts the said complaint be quashed. To the above effect, respondent No.2 has filed an affidavit, which is annexed to the application.

4. Respondent No.2-orig.complainant is identified by Mrudula Mahesh Lad, API Bandra Police Station/West Control, who is the Investigating Officer in the said case.

5. In view of the statement made by respondent No.2-orig.complainant and in view of the decision of the Apex Court in the case of **B.S.Joshi and another Vs. State of Haryana and another, reported in Judgment Today 2003(3) S.C.277**, the prayer of the applicant can be considered. Hence, C.R.No.161 of 2005 of Bandra Police Station and the proceedings thereto are quashed.

6. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)